

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 OES-06 FEA-01 INT-05 AID-05 EB-07

CIAE-00 INR-07 NSAE-00 SP-02 /049 R

DRAFTED BY L/OES:DACOLSON:MERS

APPROVED BY L - MONROE LEIGH

OES/OFS - MR. SCULLY

INR/RGE - MR. HODGSON

EUR/CAN - MR. ROUSE

INTERIOR - MR. ELIOTT

----- 022975

P 272150Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA PRIORITY

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E.O. 11652: N/A

TAGS: PBOR, PLOS

SUBJECT: MARITIME BOUNDARY NEGOTIATIONS

1. AT SEPT 23 MARITIME BOUNDARY TALKS IN OTTAWA, US SIDE PROMISED CANADIAN SIDE A LIST OF QUESTIONS RELATING TO GOC HYDROCARBON PROPOSAL TO AID IN PREPARATION FOR OCT 7 TECHNICAL TALKS ON HYDROCARBON PROPOSAL IN WASHINGTON.

2. EMBASSY IS REQUESTED TO PASS THE FOLLOWING LIST ON TO BLAIR HANKEY, AMERICA'S DIVISION, EXTERNAL AFFAIRS.

3. BEGIN LIST:

-- DO THE DIFFERENCES IN NATIONAL LAWS AND REGULATIONS RESULT IN A MORE ATTRACTIVE DEVELOPMENT ATMOSPHERE ON ONE SIDE OR THE OTHER, SO AS TO CREATE A DISPARITY IN HYDRO-CARBON DEVELOPMENT?

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-- IS IT USEFUL TO CONSIDER A COORDINATING OR CONSULTATIVE MECHANISM TO IDENTIFY PROBLEMS ARISING FROM TWO NATIONAL REGULATORY PROGRAMS AND TO SUGGEST WAYS FOR RESOLVING THOSE PROBLEMS?

-- SHOULD THE PRODUCTION ON ONE SIDE OR THE OTHER BE MEASURED IN VOLUME OR VALUE?

-- SHOULD THE PRODUCTION, HOWEVER MEASURED, BE BROKEN DOWN BY GRADE OF CRUDE?

-- HOW SHOULD THE AMOUNT OF PRODUCTION BE MONITORED? DO THE RUDIMENTS FOR THIS ALREADY EXIST?

-- SHOULD THE OPTION TO BUY PRIVILEGE REFER TO A RIGHT TO FREELY NEGOTIATE A FAIR MARKET PRICE WITH THE OWNER OF THE OIL, OR SHOULD IT BE A RIGHT TO BUY AT AN OBJECTIVELY DETERMINED FAIR MARKET VALUE?

-- IF THE MODEL IS ONE EMPLOYING AN OBJECTIVELY DETERMINED FAIR MARKET VALUE, HOW SHOULD THAT VALUE BE DETERMINED?

-- HOW IS THE SPECIFIC BUYING CONSUMER CHOSEN?

-- HOW IS THE SPECIFIC SELLING PRODUCER CHOSEN?

-- WHAT SORT OF ACCOUNTING PERIOD IS REQUIRED IN WHICH THE OPTION TO BUY MUST BE EXERCISED?

-- SHOULD THE OPTION TO BUY BE STRUCTURED IN SUCH A WAY SO THAT IT CAN BE EXERCISED IN GEOGRAPHICAL AREAS, OTHER THAN THE AREA OF THE ACCESS ZONE?

-- ARE DILIGENCE REQUIREMENTS APPROPRIATE, AND, IF SO, WHAT KINDS ARE APPROPRIATE IN LIGHT OF THE FACT THAT THESE ACCESS ZONES MAY BE IN DEEP WATER AREAS, ARCTIC AREAS, AND AREAS OF HEAVY FISHING CONCENTRATION?

-- WHAT KINDS OF PROCEDURES FOR ENVIRONMENTAL ASSESSMENT AND DECISION-MAKING SHOULD BE APPLIED TO THE ACCESS LIMITED OFFICIAL USE

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ZONE?

END LIST

4. IDENTICAL LIST IS ALSO BEING PASSED TO LORNE CLARK AT CANADIAN EMBASSY AT REQUEST OF MR. COPITHORNE.

5. A COPY OF THE TALKING POINTS USED BY MR. LEIGH,

DEPARTMENT LEGAL ADVISER, AT SEPTEMBER 23 MEETING IS
BEING POUCHED TO EMBASSY IN CARE OF MR. POST, POLITICAL
SECTION. KISSINGER

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